

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

BRIGHT RESPONSE, LLC

v.

GOOGLE INC., et al.

NO. 2:07-CV-371-CE

STIPULATION

1. Plaintiff Bright Response LLC and Defendant Yahoo! Inc., by and through counsel, hereby stipulate that they have resolved a number of pending disputes based on the compromise reflected in this stipulation.

2. Bright Response stipulates that it will:

- a. Limit the asserted claims against Yahoo! to claims 28, 30, 31, 33 and 38 of the '947 patent.
- b. Agree not to request any additional source code from Yahoo! or seek to compel the production of any additional source code from Yahoo!.
- c. Agree not to seek the reproduction of any source code to include any "root directory" or any "directory structure" or seek to compel the reproduction of any source code to include any "root directory" or any "directory structure."
- d. Agree not to seek, prior to entry of judgment, any adverse inference or other sanction based solely on Yahoo!'s source code production, alleged delay in source code production, or alleged failure to produce source code before July 1, 2010.

3. Yahoo! stipulates that it will:
 - a. Not oppose Bright Response's motion for leave to supplement its infringement contentions solely to amend the cover pleading to assert claims 28, 30, 31, 33 and 38 of the '947 patent against Yahoo!, so long as Bright Response adds no new substantive allegations.
 - b. Provide a corporate representative pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure to testify solely regarding Yahoo!'s traffic protection system but the witness will not testify, and Plaintiff will not question the witness, regarding the specific triggers and signals that Yahoo! uses to determine whether clicks, patterns of clicks, queries, or patterns of queries, constitute click fraud. This witness will be made available no later than July 9, 2010.
 - c. Not oppose a motion for leave to supplement Bright Response's expert report(s) solely to address the discovery produced related to Yahoo!'s traffic protection system.

- d. Not make arguments based on source code that has not been produced to Bright Response.

Dated: 7/1/10



William C. Rooklidge
Howrey LLP
Counsel for Yahoo! Inc.

Dated: 7/1/10

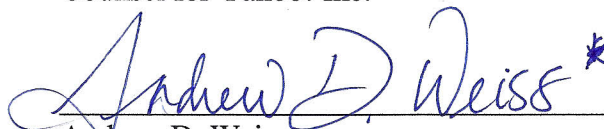
Andrew D. Weiss
Russ August & Kabat
Counsel for Bright Response LLC

- d. Not make arguments based on source code that has not been produced to Bright Response.

Dated: 7/1/10

William C. Rooklidge
Howrey LLP
Counsel for Yahoo! Inc.

Dated: 7/1/10



Andrew D. Weiss
Russ August & Kabat
Counsel for Bright Response LLC

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Elizabeth A. Wiley*